

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

MARVIN FRANKLIN,

Plaintiff,

v.

BANK OF AMERICA,

Defendant.

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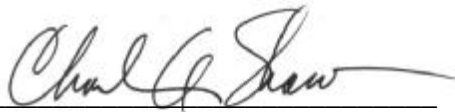
No. 4:04-CV-1651CAS

**ORDER OF DISMISSAL**

**IT IS HEREBY ORDERED** that plaintiff's motion to dismiss his complaint without prejudice is **GRANTED. (Doc. 19.)**

**IT IS FURTHER ORDERED** that plaintiff's Complaint is **DISMISSED without prejudice** pursuant to Federal Rule of Civil Procedure 41(a)(2).

**IT IS FURTHER ORDERED** that in the event the case is refiled, dismissal is conditioned upon the payment of defendant of its costs and attorneys' fees. See Belle-Midwest v. Missouri Prop. & Cas. Ins. Guar. Ass., 56 F.3d 977, 978-79 (8th Cir. 1995).



**CHARLES A. SHAW  
UNITED STATES DISTRICT JUDGE**

Dated this 6th day of September, 2005.